

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AUTOMOTIVE TECHNOLOGIES)	
INTERNATIONAL, INC.,)	
)	
Plaintiff,)	
)	
vs.)	C.A. No. 06-187 GMS
)	
AMERICAN HONDA MOTOR COMPANY, et al.)	
)	
Defendants.)	
_____)	

**PLAINTIFF'S ANSWERS TO GENERAL MOTORS
CORPORATION'S COUNTERCLAIMS**

For its Answers to GM's Counterclaims, ATI states as follows:

1. This Court has jurisdiction over these Counterclaims pursuant to Rule 13, Fed. R. Civ. P. Jurisdiction in this Court also is proper pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202. Venue is proper for these Counterclaims because ATI elected this forum for suit and pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Pursuant to 28 U.S.C. § 1404(a), venue is also proper in the United States District Court for the Eastern District of Michigan.

ANSWER:

ATI admits that this Court has jurisdiction over this matter, and that venue is proper in this District. ATI denies that venue is proper in the United States District Court for the Eastern District of Michigan.

2. An actual controversy exists between the parties as to the asserted infringement, validity, and enforceability of the U.S. Patent Nos. 5,901,978, 6,397,136, 6,422,595, 6,869,100, 6,757,602, 6,942,248, 6,484,080, and 6,850,824 ("Patents-in-suit").

ANSWER:

ATI admits there is a controversy, but denies that the subject patents are invalid and/or unenforceable.

FIRST COUNTERCLAIM

DECLARATION OF NONINFRINGEMENT OF THE PATENTS-IN-SUIT

3. GM repeats and re-alleges the allegations of paragraphs 1 through 2 of these Counterclaims.

ANSWER:

ATI repeats and realleges its responses to Paragraphs 1 and 2 to this Counterclaim.

4. GM has not infringed and is not infringing, either directly, contributorily, or by active inducement, any claim of the Patents-in-suit.

ANSWER:

Denied.

SECOND COUNTERCLAIM

DECLARATION OF INVALIDITY OF THE PATENTS-IN-SUIT

5. GM repeats and re-alleges the allegations of paragraphs 1 through 2 of these Counterclaims.

ANSWER:

ATI repeats and realleges its responses to Paragraphs 1 and 2 to this Counterclaim

6. The Patents-in-suit are invalid and void for failure to comply with the requirements of Title 35, United States Code, including, but not limited to, §§ 102, 103, and 112.

ANSWER:

Denied.

EXCEPTIONAL CASE

ATI's attempt to read the claims of the patents-in-suit on the activities and products of GM make this case exceptional under 35 U.S.C. § 285.

ANSWER

Denied.

PRAYER FOR RELIEF

WHEREFORE, GM prays for a judgment:

- a) dismissing ATI's First Amended Complaint with prejudice;
- b) declaring that GM has not infringed any claim of the Patents-in-suit;
- c) declaring that the Patents-in-suit are invalid;

d) adjudging this case to be an exceptional case pursuant to 35 U.S.C. § 285, and awarding GM its costs and attorney fees; and

e) granting such other and further relief as the Court may deem just and proper.

ANSWER

- a) That Defendant's request be denied.
- b) That Defendant's request be denied.
- c) That Defendant's request be denied.
- d) That Defendant's request be denied.
- e) That ATI be granted its prayer of relief.

ATI AFFIRMATIVE DEFENSES

- 1. That Defendant fails to state a claim for alleged invalidity, as there is no factual basis whatsoever set forth supporting alleged invalidity.
- 2. That Defendant fails to state a claim for alleged unenforceability, as there is no factual basis whatsoever set forth supporting alleged unenforceability.

Dated: July 3, 2006

/s/ Richard K. Herrmann
Richard K. Herrmann (I.D. No. 405)
MORRIS, JAMES, HITCHENS & WILLIAMS, LLP
222 Delaware Avenue, 10th Floor
Wilmington, Delaware 19801
(302) 888-6800
rherrmann@morrisjames.com

SOMMERS SCHWARTZ, P.C.
Andrew Kochanowski
2000 Town Center, Suite 900
Southfield, MI 48075
(248) 355-0300

BANIAK PINE & GANNON
Michael H. Baniak
Attorneys for Plaintiff
150 N. Wacker Drive, Suite 1200
Chicago, IL 60606
(312) 673-0360

Attorneys for Plaintiff
AUTOMOTIVE TECHNOLOGIES INTERNATIONAL, INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of July, 2006, I electronically filed the foregoing document, **PLAINTIFF'S ANSWERS TO GENERAL MOTORS CORPORATION'S COUNTERCLAIMS**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Thomas C. Grimm, Esq.
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
Wilmington, DE 19801

Additionally, I hereby certify that on the 3rd day of July, 2006, the foregoing document was served as indicated on the following non-registered participants:

VIA EMAIL & HAND DELIVERY

Thomas C. Grimm, Esq.
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
Wilmington, DE 19801

VIA EMAIL & FEDERAL EXPRESS

Timothy Q. Delaney, Esq.
Ralph J. Gabric, Esq.
Miyoungh Shin, Esq.
Rickard DeMille, Esq.
Brinks Hofer Gilson & Lione
NBC Tower – Suite 3600
455 North Cityfront Plaza Drive
Chicago, IL 60611

/s/ Richard K. Herrmann

Richard K. Herrmann (I.D. No. 405)
MORRIS, JAMES, HITCHENS & WILLIAMS LLP
222 Delaware Avenue, 10th Floor
Wilmington, Delaware 19801
(302) 888-6800
rherrmann@morrisjames.com

Attorneys for Plaintiff
AUTOMOTIVE TECHNOLOGIES INTERNATIONAL, INC.